Decision Notice
And
Finding Of No Significant Impact

Management Of Noxious Weeds And Hazardous Vegetation On Public Roads On National Forest Systems Lands In Arizona

USDA Forest Service, Southwestern Region
Apache-Sitgreaves, Coconino, Coronado, Kaibab, Prescott, and Tonto National Forests, Arizona

Introduction

A proposal to authorize the Arizona Department of Transportation (ADOT) to use herbicides to control noxious weeds, invasive plants, and hazardous vegetation along public roads on National Forest System (NFS) lands in Arizona was analyzed in an Environmental Assessment (EA). Treatment of noxious weed infestations within road easements and extending up to 200 feet outside of road easements onto NFS lands was included in the analysis. The EA describes two alternatives: (1) No Action and (2) the Proposed Action to use herbicides. Under the No Action Alternative, herbicides would not be used on public roadways on NFS lands except on U.S. Department of Transportation (USDOT) easements where the USDOT has the authority to approve herbicide use. ADOT and other Public Road Authorities would continue to implement herbicide treatment programs on about 6,000 miles of roadways outside NFS lands, and ADOT would continue to use mechanical, manual, and site rehabilitation vegetation management methods which are authorized on NFS lands. Under the Proposed Action, it is estimated that about 5,000 acres out of approximately 170,100 acres, which is 3 percent of rights-of-way and adjacent areas, would be treated annually along about 2,700 miles of public roads that pass through NFS lands.

Decision and Rationale

I have decided to implement the proposed action to authorize ADOT to use herbicides to control noxious weeds, invasive plants, and hazardous vegetation on public roads on NFS lands in Arizona. Approved herbicides include: 2,4-D, chlorsulfuron, clopyralid, dicamba, fluroxypyr, glyphosate, imazapic, imazapyr, isoxaben, methsulfuron methyl, pendimethalin, picloram, sethoxydim, sulfometuron methyl, tebuthiuron, and triclopyr.

Principles of adaptive management and managerial flexibility will be used during projects. These are tools that allow decision makers to take advantage of new information that becomes available after a decision has been made. It is possible that a new product, approved and labeled by the US Environmental Protection Agency, could become available during implementation. If implementation monitoring shows that the herbicides analyzed in the EA are not effective in meeting the purpose and need and a new or improved product is available, the new product could be considered for use without further analysis. This would be the case only if the new or improved product fits within the same effects analysis disclosure for the herbicides covered in this EA. An analysis would be done to determine the similarities of effects and if the decision should be amended to include new herbicide product.

The EA describes the potential effects of the No Action alternative, not authorizing the use of herbicides, and the Proposed Action to authorize the use herbicides. It also prescribes specific mitigation measures (pages 27-28) and Best Management Practices (pages 28-29) that would be followed during implementation to mitigate the risk of adverse impacts to (1) humans; (2) non-target vegetation, including threatened, endangered, and sensitive plants; (3) non-target terrestrial and aquatic animals, including threatened, endangered, and sensitive animals; and (4) water quality. A biological assessment and evaluation of threatened, endangered, and sensitive (TES) animals and plants (Appendix D) was completed and concurrence was obtained from the U. S. Fish and Wildlife Service on May 19, 2004. Analyses for Management Indicator Species (MIS) and migratory birds were completed and are included in the project file that will be maintained in the Regional Office, Albuquerque, New Mexico.

I have selected Alternative 2, the proposed use of herbicides, because it best meets the purpose and need as described in the EA (Chapter 1, pages 1-3). It will allow ADOT to effectively and efficiently control noxious weeds, invasive plants, and hazardous vegetation along public roadways on NFS lands in Arizona. In addition, implementation of this proposal will protect native plant communities and resource values and uses on NFS lands in Arizona through the control of noxious weeds species that are commonly carried by vehicles and introduced along roadways.

In making my decision, I considered the potential environmental effects and risks associated with the proposed use of herbicides for humans (EA, Appendix A, pages 75-82), including the potential risk to those who may experience hypersensitive, allergic reactions, including Multiple Chemical Sensitivity (page 79). Notification and signing procedures were identified to allow concerned members of the public to avoid possible exposure from the proposed use of herbicides and to find alternative routes to obtain needed services.

The EA, including Appendix D (Biological Assessment and Evaluation), and this Decision Notice and Finding of No Significant Impact can be found at the following website: http://www.fs.fed.us/r3/projects/ro/ea-noxiousweeds/.

Public Involvement and Scoping

As part of the proposed action involving the use herbicides, a public meeting was held on February 6, 2002, in a campground near Prescott, Arizona. The meeting was intended to get input and answer questions regarding concerns over Multiple Chemical Sensitivity and herbicide use.

An advance notice of the proposed action was sent to the Arizona Congressional delegation and other parties on March 26, 2002, informing them that the Forest Service was planning to initiate an environmental analysis for the proposed use of herbicides on public roads in Arizona to control noxious weeds and hazardous vegetation.

On May 8, 2002, a scoping letter was sent to 2,088 potentially affected individuals, groups, organizations, tribes, state agencies, and federal agencies. The letter described the proposed action and need for action, and invited public participation in the analysis process. A total of 150 written responses were received. Beginning in June 2002, the project was listed in the *Schedule of Proposed Projects for* the Apache-Sitgreaves, Coconino, Coronado, Kaibab, Prescott, and Tonto National Forests. These lists are distributed to numerous individuals and can be accessed on the website for each Forest. Comments received during scoping were used to identify

important issues, develop project objectives and alternatives, and guide the environmental analysis.

On July 25, 2003, the EA was mailed for a 30-day comment period to individuals, organizations, Indian Tribes, state agencies, and federal organizations that had responded to the scoping letter or who expressed interest in the project. Legal notices were published in the White Mountain Independent (Apache-Sitgreaves National Forest), Arizona Daily Sun (Coconino and Kaibab National Forests), Arizona Daily Star (Coronado National Forest), Prescott Courier (Prescott National Forest), and East Valley Tribune (Tonto National Forests). The public comment period ended on September 18, 2003. We received 68 responses expressing concerns over human health, MCS, and environmental affects. The Yavapai Prescott Indian Tribe expressed concern about affects to traditional use areas. Some responses were form letters, and one response included a petition. I reviewed and considered all substantive comments in making this decision.

Alternative Considered

The alternatives considered in detail included Alternative 1 (No Action, i.e., no use of herbicides), and Alternative 2 (the Proposed Action to use herbicides).

Alternative 1 was not selected. Effective and economical control of noxious weeds, invasive plants, and hazardous vegetation could not be achieved solely by the use of manual, mechanical, and preventive measures that are available to ADOT, and the limited amount of herbicide use under the approval authority of the USDOT. Manual and mechanical methods have proven to be ineffective for several species of noxious weeds and invasive plants, especially perennial species with deep root systems. In addition, the expense of controlling the remaining species of noxious weeds, invasive plants, and hazardous vegetation was considered to be excessive under this alternative.

Alternative 2 was selected because it provides ADOT managers with the full range of proven methods, including the use of herbicides, to achieve effective and efficient Integrated Vegetation Management of noxious weeds, invasive plants, and hazardous vegetation along public roadways on NFS lands in coordination with programs on public roads elsewhere in the State. The estimated annual program would be about 5,000 acres: Apache-Sitgreaves, 500 acres; Coconino, 1,500 acres; Coronado, 500 acres, Kaibab, 500 acres; Prescott, 1,000 acres, and Tonto, 1,000 acres.

Finding of No Significant Impact

Based on the EA, I have determined that the proposed use of herbicides for management of noxious weeds, invasive plants, and hazardous vegetation on public roads on NFS lands in Arizona is not a major federal action that will significantly affect the quality of the human environment; therefore, an Environmental Impact Statement will not be prepared. The determination is based on the following:

Context

This action applies to treatment of hazardous vegetation, invasive plants, and noxious weeds along public roadways that pass through NFS lands in Arizona. To accomplish public safety objectives, a major portion of herbicide use, possibly as much as 70 percent of herbicide

applications, would be within about 5 feet of the edge of roadways. In addition, noxious weed infestations would be treated up to a maximum of 200 feet outside of USDOT and Forest Road and Trail Act easements to maintain the integrity of treatment of individual infestations within easements. ADOT has the responsibility to manage vegetation along about 6,000 miles of highways in Arizona, and only about 2,700 miles are on NFS lands. It is estimated that about 5,000 acres of the total area of 170,100 acres could be treated annually, which is about 3 percent of the area. This represents about 0.0004 percent of NFS lands in the State.

Intensity

1. *Adverse as well beneficial impacts* were considered (EA Chapter 4). The use of herbicides in combination with other methods of vegetation management would provide the most effective and efficient control of noxious weeds, invasive plants, and hazardous vegetation. However, four of the significant issues identified and analyzed in detail were related to the potential adverse effects that can occur as a result of the use of herbicides.
2. The *risk to humans* associated with toxic effects of herbicides would be negligible (Appendix A, Risk Assessment for Humans and Non-target Species, 75-82; Chapter 3, 39-40; and Chapter 4, 46-48). Control of hazardous vegetation with herbicides would improve the safety for the public using roads that pass through NFS lands and allow ADOT to meet hazardous vegetation maintenance priorities and requirements of the Highway Safety Act (Chapter 1, 6).

   For the percentage of the human population who are aware that they are hypersensitive or allergic to herbicides (Multiple Chemical Sensitivity), a toll free number (1-800-546-6591) will be provided to allow them to avoid the possibility of exposure (Chapter 3, 40). In addition, signing will be provided along roadways where herbicide applications are being conducted (Mitigations and Best Management Practices, Chapter 2, 27-29).

   An *Herbicide Safety and Spill Plan* was developed and is included as Appendix B to the EA to address contingencies related to the possibility of accidents occurring when treating vegetation with herbicides.

3. The use of herbicides is unlikely to adversely impact areas with *unique characteristics* such as historical or cultural resources (addressed specifically in item 8), park lands, prime farmlands, wetlands, designated or eligible wild and scenic rivers, or other ecologically critical areas since federal and State highways have altered the landscape to provide for public transportation. Herbicide use along public roadways is limited to the rights-of-way and the 200-foot linear strip adjacent to road easements and would be similar to general public lawn and garden care.
4. The disclosure of effects using herbicides on the quality of the human environment nearly always generates some level of controversy, as exemplified by 68 responses to the EA for this project. Many of the respondents stated that they opposed any use of herbicides. However, this level of response to a statewide project, with no agencies or organizations responding and only one tribal government, indicate that the effects are not *highly controversial.*
5. The possible effects described in the EA are not *highly uncertain* nor do they involve *unique or unknown risks.* The environmental effects are typical for this type of program using herbicides to control unwanted vegetation. The levels of use would not exceed

limits identified on the labels. Since assessment of risk is an uncertain process, a safety factor of 100 times below the No Observed Effect Level (NOEL) is the accepted method to extrapolate test data for animals to humans (Appendix A).

The analysis of possible effects is based on the best available information, science, and the judgment of vegetation management and herbicide specialists of the Forest Service and ADOT who have experience with similar projects on federal, state, and private lands. The predicted environmental consequences are based on published information and each herbicide, expected patterns of use along public roadways, risk assessments developed for the Forest Service, and a summary of potential risks to humans and non-target species (EA, Appendix A).

6. This decision does not establish any *future precedent* or other actions that may have a significant effect. Future actions involving the use of herbicides to control noxious weeds, invasive plants, and hazardous vegetation on other NFS lands will be evaluated through the NEPA process and will stand on their own merits as to environmental effects.
7. This action is limited to herbicide use to control noxious weeds, invasive plants, and hazardous vegetation by ADOT along public roads on NFS lands in Arizona. The Forest Service has proposed, and will propose in the future, the use of herbicides to control certain species identified as noxious weeds or invasive species on specific National Forests. These proposals will be evaluated through the NEPA process and the effect of the actions in combination with treatments by ADOT will be evaluated for *cumulatively significant impacts*.
8. The possible effects to features listed in or eligible for listing in the *National Register of Historic Places* were considered as well as effects to *significant scientific, cultural, or historical resources*. Letters were sent to tribal leaders on July 25, 2003, requesting comments and concerns regarding traditional, cultural, or religious sites along public roads. The Yavapai-Prescott Tribe expressed general concern with the use of herbicides but not with any specific area. The Region 3 Programmatic Agreement under the National Historic Preservation Act (*First Amended Programmatic Agreement Regarding Historic Property Protection and Responsibilities, 12/24/2003*) exempts from consultation spray projects that will not affect known properties of traditional cultural and religious value.
9. Effects to species listed under the Endangered Species Act and habitat designated as critical under the Act were disclosed in the EA, Chapter 4 and Appendix D (Biological Assessment and Evaluation (BAE)). The BAE determined that the proposed action with proposed conservation measures identified in the BAE is *not likely to adversely affect or will have no effect on any endangered, threatened, or proposed species; or designated or proposed critical habitat areas*; or nonessential experimental populations. The BAE was submitted to the U.S. Fish and Wildlife Service and they concurred with these determinations in a letter dated May 19, 2004.
10. As disclosed in the EA (Chapter 2, Table 5, 31 and other locations) and items 8 and 9 of this FONSI, this action is in *compliance with all federal, state, and local laws and requirements imposed for environmental protection*.

    This action is in compliance with all Forest Plans and an evaluation of the Analysis for Management Indicator Species (MIS) has been completed. This decision is, therefore, compliant with the National Forest Planning Act (NFMA).

This action does not trigger any permitting under the Clean Water Act.
I have reviewed this action for compliance with Executive Orders including, but not limited to protection of Floodplains, WetlClean M(itti)Tj10.95911 0 0 100 9570.922321 0Tm(Cleagratorlean)